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Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
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PAUL P. JOSEPHSON
*Assistant Attorney General
Director*

July 1, 2004

Re: State Certification Requirements for NPMs

Dear Manufacturer:

This letter provides a list of required documents for any Non-Participating Manufacturer (NPM) that applies to sell its tobacco products to consumers in New Jersey.

Pursuant to N.J.S.A. 52:4D-1 et seq., the Division requests the following information:

1. Corporate documents evidencing officers and ownership of the NPM;
2. Affidavit from the president or company officer executing New Jersey's Certificate of Compliance regarding escrow payment that he/she has authority to bind the company;
3. The street address of the factory where the NPM manufactures the cigarettes;
4. Affidavit from the president of the NPM to attest that the company physically manufactures cigarettes at the stated factory;
5. A complete list of all cigarettes that the NPM manufactures or has manufactured, regardless of where the cigarettes are sold, the time periods of manufacture for each brand, and the place of manufacture of each brand;
6. A copy of the permit as a manufacturer or importer of tobacco products required pursuant to 26 USC §5712 and §5713; see, also, 27 CFR Part 40.62 and 40.375;
7. A copy of the license, permit or other registration document required by the government of the foreign country for a tobacco product manufacturer whose manufacturing facilities are located in such country;
8. A copy of the letter from HHS/CDC Office on Smoking and health approving the ingredient reporting;



9. A copy of the current, complete rotation plan, including package samples, submitted to the FTC for approval for each brand;
10. A copy of the FTC rotation plan approval letter for each brand;
11. A copy of the letter than an NPM provides to the importer to comply with 19 USC 1681(a);
12. Copies of all Custom Forms 7501 for 2002 and 2003 imports to date for each brand manufactured by the company;
13. If the NPM brands bear a U.S. registered trademark, a certificate signed by the owner of the trademark for cigarettes stating that under penalties of perjury that the owner consents to the importation of cigarettes into the U.S.;
14. A certificate signed by the importer stating that under penalty of perjury that the consent referred to in No.13 is accurate, remains in effect and has not been withdrawn;
15. The price the company will be or are selling each brand of cigarettes to wholesalers;
16. A release allowing the U.S. Custom's Office to share any information it has about the NPM with the New Jersey Attorney General's Office;
17. A release allowing the Bureau of Alcohol, Tobacco & Firearms to share any information it has about the NPM;
18. A statement regarding whether the NPM or any of its principals previously imported and/or distributed cigarettes in the United States. If so, list each brand family name and the manufacturer name and address for each brand;
19. If a Power of Attorney is submitted, provide
 - (a) copies of all agreements between the NPM and importer and/or trademark holder;
 - (b) a new certification form that is completed and signed by an authorized officer of the NPM;
 - (c) an escrow agreement executed between the NPM and escrow bank that comports with the Model Escrow Agreement;
20. A copy of all agreements between the company and any other Non-Participating Manufacturer, Participating Manufacturer, or Subsequent Participating Manufacturer under the Master Settlement Agreement.

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Thank you for your kind cooperation in this matter.

Sincerely yours,

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY

By: _____
Edward D. Tan
Deputy Attorney General